

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
Civil File No: 5:06-CV-19-FL(2)**

<b>TRIANGLE RESIDENTIAL DESIGNS, INC.</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>HAYNES &amp; WELCH, INC.; MICHAEL HAYNES;</b>	)	
<b>CARL WELCH; D &amp; L DESIGN GROUP, INC.;</b>	)	
<b>LORI M. LOWERY; COLUMBUS REAL ESTATE,</b>	)	
<b>INC.; PAUL SMITH; SOUTHLAND REALTY, INC.;</b>	)	
<b>SWEYER AND ASSOCIATES, INC.; PLEASANT</b>	)	
<b>REALTY &amp; ASSOCIATES, LLC; AMELIA</b>	)	
<b>PLEASANT; BROWNING REALTY, INC.; ROBERT</b>	)	
<b>BROWNING; COLUMBUS REAL ESTATE CO.,</b>	)	
<b>L.L.C.; CLASSIC REAL ESTATE &amp; MARKETING,</b>	)	
<b>LLC; ASHLEY TURNER ENTERPRISES, INC.;</b>	)	
<b>ASHLEY TURNER BUILDING CO., INC.; ASHLEY</b>	)	
<b>TURNER DEVELOPMENT, L.L.C.; and WILLIAM</b>	)	
<b>ASHLEY TURNER d/b/a ASHLEY TURNER</b>	)	
<b>BUILDERS</b>	)	
	)	
<b>Defendants.</b>	)	

**NOTICE OF DISMISSAL  
WITHOUT PREJUDICE**

Plaintiff hereby voluntarily dismisses its claims against Defendants Columbus Real Estate, Inc. and Paul Smith, without prejudice.

Respectfully submitted, this the 24<sup>th</sup> day of January, 2006.

**Coats & Bennett, P.L.L.C.  
Attorneys for Plaintiff**

By: /s/ Anthony J. Biller  
David E. Bennett  
North Carolina State Bar No. 12,864  
Anthony J. Biller  
North Carolina State Bar No. 24,117  
Rebecca Crandall  
North Carolina State Bar No. 32,637  
1400 Crescent Green, Suite 300  
Cary, NC 27511  
Telephone No.: (919) 854-1844  
Facsimile No.: (919) 854-2084

**CERTIFICATE OF SERVICE**

I hereby certify that on copy of the foregoing **NOTICE OF DISMISSAL WITHOUT PREJUDICE** is being forwarded this 24<sup>th</sup> day of January, 2006, by first class mail, postage prepared and addressed to:

Haynes & Welch, Inc.  
c/o Carl W. Welch, Registered Agent  
8320 Falls of the Neuse Road, Suite 111  
Raleigh NC 27615

Michael Haynes  
8513 Wood Lawn Drive  
Raleigh NC 27613

Carl Welch  
1604 Hunting Ridge Road  
Raleigh NC 27615

D&L Design Group, Inc.  
c/o Lori M. Lowery, Registered Agent  
3236 Benson Highway  
Garner NC 27529

Lori M. Lowery  
105 Ashebury Drive  
Clayton NC 27520

Columbus Real Estate, Inc.  
c/o Paul S. Smith, Registered Agent  
181 Cleveland Crossing Drive  
Garner NC 27529

Southland Realty Inc.  
c/o Ron Lee, Registered Agent  
5160 NC Hwy 42 W  
Garner NC 27529

Sweyer and Associates, Inc.  
c/o David L. Sweyer, Registered Agent  
1630 Military Cutoff, Suite 110  
Wilmington NC 28403

Donalt J. Eglinton, Esq.  
Ward & Smith, P.A.  
1001 College Court  
P.O. Box 867  
New Bern, NC 28563-0867  
*Attorney for Pleasant Realty & Associates, LLC and Amelia Pleasant*

Browning Realty, Inc.  
c/o Robert L. Browning, Registered Agent  
1401 Paper Birch Court  
Raleigh NC 27606

Robert Browning  
1401 Paper Birch Court  
Raleigh, NC 27606

Classic Real Estate & Marketing, LLC  
c/o Deborah E. Johnson, Registered Agent  
181 Cleveland Crossing Drive  
Garner NC 27529

Allen R. Tew, Esq.  
Allen R. Tew, P.A.  
202 South Lombard Street  
P.O. Box 145  
Clayton, NC 27520

*Attorney for Ashley Turner Enterprises, Inc.; Ashley Turner Building Co., Inc.;  
Ashley Turner Development, L.L.C.; William Ashley Turner d/b/a Ashley Turner  
Builders, and Columbus Real Estate Co., L.L.C*

/s/ Anthony J. Biller  
Anthony J. Biller